

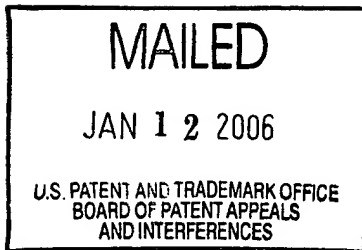
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte PETER R. WURMAN  
and  
MICHAEL P. WELLMAN

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Appeal No. 2005-2104  
Application 09/550,964

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ORDER REMANDING TO THE EXAMINER

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Before FLEMING, Chief Administrative Patent Judge, HARKCOM, Vice Chief Administrative Patent Judge, and MACDONALD, Administrative Patent Judge.

PER CURIAM

On consideration of the record, we note that the appeal includes rejections under 35 U.S.C. § 101 involving the statutory nature of at least some of the claims on appeal.

We further note that the evaluation of such claims could possibly be affected by the Commissioner of Patent and Trademarks' published final version of the "Interim

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Guidelines for Examination of Patent Application for Patent Subject Matter Eligibility,"  
signed October 26, 2005. This document is located at the following URL:

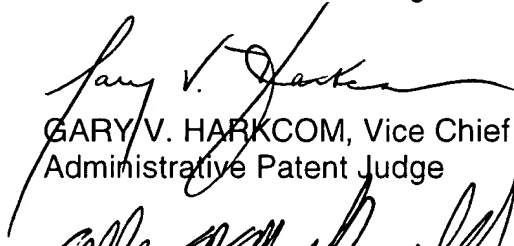
[http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101\\_20051026.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf)

Furthermore, at least one of the rejections under 35 U.S.C. § 101 is directed to  
whether or not the claims lie within the technological arts. The evaluation of such  
claims could also be possibly affected by Ex parte Lundgren, 76 USPQ2d 1385 (Bd.  
Pat. App. & Int. 2005). Thus, we hereby remand this application for reconsideration in  
view of the "Guidelines" and the recent Ex parte Lundgren decision cited above, and for  
any other action that the examiner deems appropriate.

REMAND



MICHAEL R. FLEMING, Chief  
Administrative Patent Judge



GARY V. HARKCOM, Vice Chief  
Administrative Patent Judge



ALLEN R. MACDONALD  
Administrative Patent Judge

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MRF:psb

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Application No. 09/550,964

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